

1 FOLEY & LARDNER LLP
2 Robert E. Camors, Jr., CA BAR NO. 121204
3 Gina A. Bibby., CA BAR NO. 242657
4 975 Page Mill Road
5 Palo Alto, CA 94304
6 Telephone: 650.856.3700
7 Facsimile: 650.856.3710
8 bobcamors@foley.com
9 gbibby@foley.com

10
11 FOLEY & LARDNER LLP
12 Steven J. Rizzi (ADMITTED *PRO HAC VICE*)
13 srizzi@foley.com
14 90 Park Avenue
15 New York, NY 10016
16 Telephone: 212-682-7474
17 Facsimile: 212-687-2329
18 Attorneys for Defendants and Counterclaimants Advanced Semiconductor Engineering, Inc.,
19 and ASE (U.S.), Inc.

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28 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

TESSERA, INC.,

CASE No. 4:05-cv-04063-CW

Plaintiff, Counter-defendant,

v.

ADVANCED MICRO DEVICES, INC. et al.,

Defendants, Counter-claimants.

**JOINT STIPULATION AND
[PROPOSED] ORDER CHANGING THE
DATE OF UPCOMING CASE
MANAGEMENT CONFERENCE AND
RELATED DATES**

1 1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*
 2 *Devices, Inc. et al.*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007
 3 with respect to International Trade Commission Investigation 337-TA-605 “until the
 4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008
 5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the
 6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”
 7 and

8 2. WHEREAS, the Court issued a Related Case Order on September 11, 2008 in the
 9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*
 10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*
 11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case
 12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the
 13 “Related Cases”); and

14 3. WHEREAS the Court stayed all proceedings in the Related Cases, to include all
 15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the
 16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and
 17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-
 18 TA-649 and the stipulation of the parties in the Related Cases; and

19 4. WHEREAS, by its orders of June 8, 2009 this Court subsequently set a Case
 20 Management Conference in both the AMD case and the Related Cases for December 22, 2009 at
 21 2:00 p.m; and

22 5. WHEREAS the parties in the Related Cases, by their undersigned counsel, report
 23 to the Court that the current status of the pending International Trade Commission Investigation
 24 337-TA-605 is that the Final Determination is under appeal to the Federal Circuit in Case
 25 Number 09-1460 with the notice of appeal having been filed on July 20, 2009 and briefs for
 26 Appellants Freescale Semiconductor, STMicroelectronics N.V., Qualcomm, Inc., Spansion, Inc.
 27 and Spansion, LLC having been filed on October 30, 2009, and;

1 6. WHEREAS, since a final resolution of ITC's 337-TA-605 investigation,
2 including appeals, is unlikely to occur before June 1, 2010, the parties in the AMD case and in
3 the Related Cases believe that it would be most efficient to further postpone the case
4 management conference and related activity in the AMD case and the Related Cases until at least
5 June 22, 2010; and

6 7. WHEREAS Spansion Inc. and certain of its subsidiaries, including Spansion LLC
7 and Spansion Technology LLC, filed a Notice of Commencement of Bankruptcy Proceedings
8 and of Automatic Stay in this case on March 11, 2009 and therefore do not join in this
9 Stipulation; and

10 8. WHEREAS, the parties appearing below agree that there would be no prejudice to
11 the parties in moving the case management conference, as that case is currently stayed;

12 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
13 parties appearing below through their undersigned respective attorneys of record, based on the
14 foregoing, and subject to the approval of this Court, that:

15 1. The case management conference currently scheduled for December 22, 2009 at
16 2:00 p.m. in the AMD shall be rescheduled for 6/22/10 at 2:00 p.m., or as soon
17 thereafter as the Court is available;

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated this 16th day of December, 2009.



Honorable Claudia Wilken
United States District Judge

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1 Dated: December 9, 2009

/s/
Robert E. Camors, Jr.
FOLEY & LARDNER LLP
Attorneys for defendants and counter-claimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

5 Dated: December 9, 2009

/s/
Michael Heafey
ORRICK, HERRINGTON & SUTCLIFFE
Attorneys for defendants and counter-claimants
SILICONWARE PRECISION INDUSTRIES CO.,
LTD. and SILICONWARE U.S.A.

9 Dated: December 9, 2009

/s/
Elaine Chow
K&L GATES LLP
Attorneys for defendant and counter-claimant
ADVANCED MICRO DEVICES, INC.

12 Dated: December 9, 2009

/s/
Joseph Lanser
SEYFARTH SHAW
Attorneys for defendants and counter-claimants
CHIPMOS TECHNOLOGIES INC. and CHIPMOS
U.S.A. INC.

15 Dated: December 9, 2009

/s/
Russell L. Johnson
SIDLEY AUSTIN LLP
Attorneys for defendants and counter-claimants
STMICROELECTRONICS N.V. and
STMICROELECTRONICS, INC.

19 Dated: December 9, 2009

/s/
Michael Franzinger
WEIL, GOTSHAL & MANGES LLP
Attorneys for defendants and counter-claimants
STATS CHIPPAC INC., STATS CHIPPAC LTD
and STATS CHIPPAC (BVI) LIMITED

23 Dated: December 9, 2009

/s/
Trevor Stockinger
IRELL & MANELLA LLP
Attorneys for plaintiff and counter-defendant
TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed
2 above.

3 Dated: December 9, 2009

4 FOLEY & LARDNER LLP

5 /s/
6 Robert E. Camors, Jr.

7 Attorneys for defendants and counter-claimants
8 ADVANCED SEMICONDUCTOR
9 ENGINEERING, INC., ASE TEST LIMITED, and
10 ASE (U.S.) INC.

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